

to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 446, strike line 12 and insert the following:

“(x) CERTAIN LOGGING VEHICLES.—

“(1) IN GENERAL.—The Secretary shall waive, for a covered logging vehicle, the application of any vehicle weight limit established under this section.

“(2) APPLICATION OF WEIGHT TOLERANCES.—The waiver under this subsection shall only apply with respect to a State legal weight tolerance in effect on the date of enactment of this subsection.

“(3) DEFINITION OF COVERED LOGGING VEHICLE.—In this subsection, the term ‘covered logging vehicle’ means a vehicle that—

“(A) is transporting raw or unfinished forest products, including logs, pulpwood, biomass, or wood chips;

“(B) is traveling a distance of not more than 150 air miles on the Interstate System from the point of origin to a storage or processing facility; and

“(C) meets applicable State legal weight tolerances and vehicle configurations for transporting raw or unfinished forest products within the boundaries of each State in which the vehicle is operating.”.

**SA 2245.** Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

**SEC. \_\_\_\_ . PROHIBITING THE CANCELLATION OF CERTAIN CONTRACTS FOR PHYSICAL BARRIERS AND OTHER BORDER SECURITY MEASURES.**

Notwithstanding any other provision of law, the Secretary of Homeland Security and any other Federal official may not—

(1) cancel, invalidate, or breach any contract for the construction or improvement of any physical barrier along the United States border or for any other border security measures for which Federal funds have been obligated; or

(2) obligate the use of Federal funds to pay any penalty resulting from the cancellation of any contract described in paragraph (1).

**SA 2246.** Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

**SEC. 300 \_\_\_\_ . PUBLIC TRANSPORTATION PROJECTS.**

Section 5334 of title 49, United States Code, is amended by adding at the end the following:

“(1) PROJECTS AND ASSETS THAT ARE UNINSTALLED.—Notwithstanding any other provision of law, a recipient of assistance under this chapter that uninstalls a project or asset constructed or acquired with that assistance shall not be required to reimburse the Secretary for any amounts provided under this chapter for the project or asset.”.

**SA 2247.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**DIVISION K—PROHIBITION ON USE OF FUNDS**

**SEC. \_\_\_\_ 01. PROHIBITION ON USE OF FUNDS.**

No funding made available under a division of this Act or an amendment made by a division of this Act may be used to procure products or materials produced with forced labor.

**SA 2248.** Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division F, insert the following:

**SEC. \_\_\_\_ . OPEN NETWORK ARCHITECTURE.**

(a) OPEN NETWORK ARCHITECTURE TESTBED.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Applied Research Open-RAN testbed” means the testbed established under paragraph (2);

(B) the term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information; and

(C) the term “NTIA” means the National Telecommunications and Information Administration.

(2) ESTABLISHMENT.—The Assistant Secretary shall establish an applied research open network architecture testbed at the Institute for Telecommunication Sciences of the NTIA to develop and demonstrate network architectures and applications, equipment integration and interoperability at scale, including—

(A) Open Radio Access Network (commonly known as “Open-RAN”) technology;

(B) Virtualized Radio Access Network (commonly known as “vRAN”) technology; and

(C) cloud native technologies that replicate telecommunications hardware as software-based virtual network elements and functions.

(3) FOCUS; CONSIDERATIONS.—In establishing the Applied Research Open-RAN

testbed pursuant to this subsection, the Assistant Secretary shall ensure that such testbed evaluates issues related to deployment and operation of open network architectures in rural areas.

(4) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—The Assistant Secretary shall enter into cooperative research and development agreements as appropriate to obtain equipment, devices, and expertise for the Applied Research Open-RAN testbed, in accordance with section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(5) PRIVATE SECTOR CONTRIBUTIONS.—The Assistant Secretary may accept private contributions to the Applied Research Open-RAN testbed in the form of network equipment or devices for testing purposes.

(6) PARTNERSHIP WITH GOVERNMENT ENTITIES.—

(A) ESTABLISHMENT.—In establishing the Applied Research Open-RAN testbed, the Assistant Secretary shall—

(i) consult with the Federal Communications Commission, including with respect to ongoing work by the Commission to develop other testbeds, including private sector testbeds, related to Open-RAN technologies; and

(ii) ensure that the work on the testbed is coordinated with the responsibilities of the Assistant Secretary under any relevant memorandum of understanding with the Federal Communications Commission and the National Science Foundation related to spectrum.

(B) OPERATIONS.—In operating the Applied Research Open-RAN testbed, the Assistant Secretary shall, in consultation with the Federal Communications Commission, partner with—

(i) the First Responder Network Authority of the NTIA (also known as “FirstNet”) and the Public Safety Communications Research Division of the National Institute of Standards and Technology to examine use cases and applications for Open-RAN technologies in a public safety network;

(ii) other Federal agencies, as appropriate to examine use cases and applications for Open-RAN technologies in other areas of interest to such agencies; and

(iii) international partners, as appropriate.

(7) STAKEHOLDER INPUT.—The Assistant Secretary shall seek input from stakeholders regarding the establishment and operation of the Applied Research Open-RAN testbed.

(8) IMPLEMENTATION DEADLINE.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall—

(A) define metrics and parameters for the Applied Research Open-RAN testbed, including functionality, project configuration and capacity, performance, security requirements, and quality assurance;

(B) adopt any rules as necessary, in consultation with the Federal Communications Commission; and

(C) begin the development of the Applied Research Open-RAN testbed, including seeking stakeholder input as required by paragraph (7).

(9) REPORT.—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the findings of the testbed and any recommendations for additional legislative or regulatory actions relating to the work of the testbed.

(10) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated for the administration of the Applied Research Open-RAN testbed

\$20,000,000 for fiscal year 2022, to remain available until expended.

(B) **RULE OF CONSTRUCTION.**—Nothing in paragraph (6) shall be construed to obligate FirstNet or any other Federal entity to pay for the cost of the Applied Research Open-RAN testbed established under this subsection in the absence of the appropriation of amounts under this paragraph.

(C) **AUTHORIZATION FOR VOLUNTARY SUPPORT.**—A Federal entity, including FirstNet, may voluntarily enter into an agreement with NTIA to provide monetary or nonmonetary support for the Applied Research Open-RAN testbed.

(b) **PARTICIPATION IN STANDARDS-SETTING BODIES.**—

(1) **DEFINITIONS.**—In this subsection—

(A) the term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information;

(B) the term “eligible standards-setting body”—

(i) means a standards-setting body, participation in which may be funded by a grant awarded under paragraph (2), as determined by the Assistant Secretary; and

(ii) includes—

(I) the 3rd Generation Partnership Project (commonly known as “3GPP”);

(II) the Alliance for Telecommunications Industry Solutions (commonly known as “ATIS”);

(III) the International Telecommunications Union (commonly known as “ITU”);

(IV) the Institute for Electrical and Electronics Engineers (commonly known as “IEEE”);

(V) the World Radiocommunications Conference (commonly known as the “WRC”) of the ITU;

(VI) the Internet Engineering Task Force (commonly known as the “IETF”);

(VII) the International Organization for Standardization (commonly known as the “ISO”) and the International Electrotechnical Commission (commonly known as the “IEC”);

(VIII) the O-RAN Alliance;

(IX) the Telecommunications Industry Association (commonly known as “TIA”); and

(X) any other standards-setting body identified under paragraph (4);

(C) the term “Secretary” means the Secretary of Commerce; and

(D) the term “standards-setting body” means an international body that develops the standards for open network architecture technologies.

(2) **GRANT PROGRAM.**—

(A) **IN GENERAL.**—The Secretary, in collaboration with the Assistant Secretary, shall award grants to private sector entities based in the United States to participate in eligible standards-setting bodies.

(B) **PRIORITIZATION.**—The Secretary shall prioritize grants awarded under this subsection to private sector entities that would not otherwise be able to participate in eligible standards-setting bodies without the grant.

(3) **GRANT CRITERIA.**—Not later than 180 days after the date on which amounts are appropriated under paragraph (5), the Secretary, in collaboration with the Assistant Secretary, shall establish criteria for the grants awarded under paragraph (2).

(4) **CONSULTATION WITH FEDERAL COMMUNICATIONS COMMISSION.**—The Secretary shall consult with the Federal Communications Commission in—

(A) determining criteria for the grants awarded under paragraph (2); and

(B) determining which standards-setting bodies, if any, in addition to the standards-setting bodies listed in paragraph (1)(B)(ii) are eligible standards-setting bodies.

(5) **AUTHORIZATION OF APPROPRIATIONS.**—

(A) **IN GENERAL.**—There are authorized to be appropriated for grants under paragraph (2) \$30,000,000 in total for fiscal years 2022 through 2025, to remain available until expended.

(B) **ADMINISTRATIVE COSTS.**—The Secretary may use not more than 2 percent of any funds appropriated under this paragraph for the administration of the grant program established under this subsection.

**SA 2249.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**DIVISION —LEGAL REFORMS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT**

**SEC. —. LEGAL REFORMS UNDER NEPA.**

(a) **IN GENERAL.**—Title I of the National Environmental Policy Act of 1969 is amended—

(1) by redesignating section 105 (42 U.S.C. 4335) as section 106; and

(2) by inserting after section 104 (42 U.S.C. 4334) the following:

**“SEC. 105. LEGAL REFORM.**

“(a) **DEFINITIONS.**—In this section:

“(1) **FEDERAL AGENCY.**—The term ‘Federal agency’ includes a State that has assumed responsibility under section 327 of title 23, United States Code.

“(2) **HEAD OF A FEDERAL AGENCY.**—The term ‘head of a Federal agency’ includes the governor or head of an applicable State agency of a State that has assumed responsibility under section 327 of title 23, United States Code.

“(3) **NEPA PROCESS.**—

“(A) **IN GENERAL.**—The term ‘NEPA process’ means the entirety of every process, analysis, or other measure, including an environmental impact statement, required to be carried out by a Federal agency under this title before the agency undertakes a proposed action.

“(B) **PERIOD.**—For purposes of subparagraph (A), the NEPA process—

“(i) begins on the date on which the head of a Federal agency receives an application for a proposed action from a project sponsor; and

“(ii) ends on the date on which the Federal agency issues, with respect to the proposed action—

“(I) a record of decision, including, if necessary, a revised record of decision;

“(II) a finding of no significant impact; or

“(III) a categorical exclusion under this title.

“(4) **PROJECT SPONSOR.**—The term ‘project sponsor’ means a Federal agency or other entity, including a private or public-private entity, that seeks approval of a proposed action.

“(b) **JUDICIAL REVIEW.**—

“(1) **STANDING.**—Notwithstanding any other provision of law, a plaintiff may only bring a claim arising under Federal law seeking judicial review of a portion of the NEPA process if the plaintiff pleads facts that allege that the plaintiff has personally suffered, or will likely personally suffer, a direct, tangible harm as a result of the por-

tion of the NEPA process for which the plaintiff is seeking review.

“(2) **STATUTE OF LIMITATIONS.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of law and except as provided in subparagraph (B)(ii), a claim arising under Federal law seeking judicial review of any portion of the NEPA process shall be barred unless it is filed not later than the earlier of—

“(i) 150 days after the final agency action under the NEPA process has been taken; and

“(ii) if applicable, an earlier date after which judicial review is barred that is specified in the Federal law pursuant to which the judicial review is allowed.

“(B) **NEW INFORMATION.**—

“(i) **CONSIDERATION.**—A Federal agency shall consider for the purpose of a supplemental environmental impact statement new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under the regulations of the Federal agency.

“(ii) **STATUTE OF LIMITATIONS BASED ON NEW INFORMATION.**—If a supplemental environmental impact statement is required under the regulations of a Federal agency, a claim for judicial review of the supplemental environmental impact statement shall be barred unless it is filed not later than the earlier of—

“(I) 150 days after the publication of a notice in the Federal Register that the supplemental environmental impact statement is final; and

“(II) if applicable, an earlier date after which judicial review is barred that is specified in the Federal law pursuant to which the judicial review is allowed.

“(C) **SAVINGS CLAUSE.**—Nothing in this paragraph creates a right to judicial review.

“(3) **REMEDIES.**—

“(A) **PRELIMINARY INJUNCTIONS AND TEMPORARY RESTRAINING ORDERS.**—

“(i) **IN GENERAL.**—Subject to clause (ii), in a motion for a temporary restraining order or preliminary injunction against a Federal agency or project sponsor in a claim arising under Federal law seeking judicial review of any portion of the NEPA process, the plaintiff shall establish by clear and convincing evidence that—

“(I) the plaintiff is likely to succeed on the merits;

“(II) the plaintiff is likely to suffer irreparable harm in the absence of the temporary restraining order or preliminary injunction, as applicable;

“(III) the balance of equities is tipped in the favor of the plaintiff; and

“(IV) the temporary restraining order or preliminary injunction is in the public interest.

“(ii) **ADDITIONAL REQUIREMENTS.**—A court may not grant a motion described in clause (i) unless the court—

“(I) makes a finding of extraordinary circumstances that warrant the granting of the motion;

“(II) considers the potential effects on public health, safety, and the environment, and the potential for significant negative effects on jobs resulting from granting the motion; and

“(III) notwithstanding any other provision of law, applies the requirements of Rule 65(c) of the Federal Rules of Civil Procedure.

“(B) **PERMANENT INJUNCTIONS.**—

“(i) **IN GENERAL.**—Subject to clause (ii), in a motion for a permanent injunction against a Federal agency or project sponsor a claim arising under Federal law seeking judicial review of any portion of the NEPA process, the plaintiff shall establish by clear and convincing evidence that—